

**CITY COUNCIL MEETING
CITY OF WATERTOWN
November 3, 2008
7:00 P.M.**

MAYOR JEFFREY E. GRAHAM PRESIDING

PRESENT: **COUNCIL MEMBER ROXANNE M. BURNS
COUNCIL MEMBER JOSEPH M. BUTLER, JR.
COUNCIL MEMBER PETER L. CLOUGH
COUNCIL MEMBER JEFFREY M. SMITH
MAYOR GRAHAM**

ALSO PRESENT: **CITY MANAGER MARY M. CORRIVEAU
CITY ATTORNEY ROBERT J. SLYE**

City Manager Corriveau presented the following reports to the Council:

- 1 - Appointment to the Jefferson County Community Action Planning Council – Thomas J. Bruno
- 2 - Reappointment to the Board of Ethics – Mary M. Corriveau
- 3 - Reappointment to the Board of Ethics – Rande S. Richardson
- 4 - Reappointment to the Board of Ethics – James D. St. Croix
- 5 - Reappointment to the Board of Ethics– Arthur C. Stever III
- 6 - Reappointment – City Constable – David W. Koster
- 7 - Reappointment – Deputy City Constable – Joan M. Koster
- 8 - Authorizing Submission of an Application for Fiscal Year 2009 Brownfields Cleanup Grant
- 9 - Accepting Bid for Non-Metallic Chain, Guardian Environmental Products
- 10 - Approving Lease Agreement Between the City of Watertown and the Jefferson County Agricultural Society
- 11 - Approving Administrative Services Agreement By and Between POMCO and the City of Watertown Self-Funded Health Insurance Program
- 12 - Approving Pharmacy Services Agreement By and Between ProAct and the City of Watertown Self-Funded Health Insurance Program
- 13 - 804 State Street
- 14 - New York Main Street Program
- 15 - 2008 Autumn Cleanup Program
- 16 - Discuss collective bargaining negotiations.
- 17 - Discuss the sale of real property.
- 18 - Discuss litigation.
- 19 - To obtain legal advice from City Attorney Robert J. Slye.

COMPLETE REPORTS ON FILE IN THE OFFICE OF THE CITY CLERK

Meeting opened with a moment of silence.

Pledge of Allegiance was given.

The reading of the minutes of the regular meeting of October 20, 2008 was dispensed with and accepted as written by motion of Council Member Clough, seconded by Council Member Smith and carried with all voting in favor thereof.

COMMUNICATIONS

Claim against the City was received from Kevin Berghorn for damage to his vehicle while going through Public Square.

ABOVE REFERRED TO THE BOARD OF AUDIT

PRIVILEGE OF THE FLOOR

Michael McCarthy, Watertown, addressed the chair expressing his desire to have the city buses run until 9:00 or 10:00 p.m. He also mentioned the need for more restroom facilities near the ball fields. He suggested using bed tax monies to fund improvements at Thompson Park.

Steven Washer, Watertown, addressed the chair asking who is responsible for clearing the sidewalks on the Arsenal Street Bridge and also on the Arsenal Street overpass of Route 81.

Mrs. Corriveau explained that the City clears the walks on the Arsenal Street viaduct and the Town of Watertown is responsible for the overpass walks.

RESOLUTIONS

INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS

RESOLVED that the following individual is hereby appointed to the Jefferson County Community Action Planning Council to fill the unexpired term of Mary Myers, such term expiring on December 31, 2009:

Thomas J. Bruno
148 Francis Street
Watertown, New York 13601

SECONDED BY COUNCIL MEMBER PETER L. CLOUGH AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCIL MEMBER PETER L. CLOUGH

RESOLVED that the following individual is hereby appointed to the City of Watertown's Board of Ethics for a term expiring on December 31, 2009:

Mary Corriveau
1350 Loomus Drive
Watertown, New York

SECONDED BY COUNCIL MEMBER JOSEPH M. BUTLER, JR. AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCIL MEMBER JOSEPH M. BUTLER, JR.

RESOLVED that the following individual is hereby appointed to the City of Watertown's Board of Ethics for a term expiring on December 31, 2009:

Rande S. Richardson
269 Flower Avenue West
Watertown, New York 13601

SECONDED BY COUNCIL MEMBER PETER L. CLOUGH AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH

RESOLVED that the following individual is hereby appointed to the City of Watertown's Board of Ethics for a term expiring on December 31, 2009:

James D. St. Croix
1216 Superior St., Apt. B16
Watertown, New York 13601

SECONDED BY COUNCIL MEMBER ROXANNE M. BURNS AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCIL MEMBER PETER L. CLOUGH

RESOLVED that the following individual is hereby appointed to the City of Watertown's Board of Ethics for a term expiring on December 31, 2009:

Arthur C. Stever III
304 Paddock Street
Watertown, New York 13601

SECONDED BY COUNCIL MEMBER JOSEPH M. BUTLER, JR. AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMTIH

RESOLVED that the following individual is hereby reappointed as City Constable for the City of Watertown, for a term expiring on December 31, 2009:

David W. Koster
Box 916
331 McClelland Street
Watertown, New York 13601

SECONDED BY COUNCIL MEMBER JOSEPH M. BUTLER, JR. AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCIL MEMBER JOSEPH M. BUTLER, JR

RESOLVED that the following individual is hereby reappointed as Deputy City Constable for the City of Watertown, for a term expiring on December 31, 2009:

Joan M. Koster
Box 916
331 McClelland Street
Watertown, New York 13601

SECONDED BY COUNCIL MEMBER JEFFREY M. SMITH AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCIL MEMBER PETER L. CLOUGH

WHEREAS Federal funding is available through the Environmental Protection Agency to support clean up of Brownfields sites that are owned by eligible municipalities, and

WHEREAS the City of Watertown is eligible to apply for funding in the 2009 competition under the Brownfields Cleanup Grants program, and

WHEREAS it has been determined that such funding should be used for the remedial cleanup of the parcels located 148 North Pleasant Street, now owned by Ogilvie Foods, Inc. and 136 North Pleasant Street, owned by the City of Watertown, and

WHEREAS one public meeting is scheduled to be held on November 7, 2008 for the public to review and make comments on the draft proposal of the Brownfields Cleanup Grant,

NOW THEREFORE BE IT RESOLVED that the City Manager, Mary M. Corriveau, is hereby authorized to sign and submit an application for Brownfields Cleanup Grant funding for consideration by the Environmental Protection Agency, and

BE IT FURTHER RESOLVED that the City Manager, Mary M. Corriveau, is authorized to sign all agreements, certifications and other documents required to complete the application, accept the grant and administer the program proposed in the grant application.

SECONDED BY COUNCIL MEMBER JEFFREY M. SMITH AND CARRIED WITH ALL VOTING YEA

Prior to the vote on the foregoing resolution, Council Member Butler asked about the possibility of going over the maximum cost share of \$40,000.

Mr. Mix explained that based upon what they know at this time, it won't exceed that amount.

Council Member Butler asked if the City would be obligated to finish the project if significant contamination is found.

Mr. Mix responded that while there is always a chance this could happen, GYMO has been on the site twice and has been taking samples which indicate the contamination is well under that amount.

Mayor Graham asked about rock at the site.

Mr. Mix commented that a developer would take it off at some point. He also explained that there are no definite plans for the property at this point. This will be up to the Council. He stated that a possibility would be a partnership with public and not-for-profit agencies.

Mayor Graham remarked that his concern is that the City does this and then nothing happens on the site.

Council Member Burns asked if there had been any informal inquiries about the site.

Mr. Mix responded that there hadn't been.

Mrs. Corriveau commented that this is one of the sites that had been discussed for infill sites. She also mentioned that another option could be for an assisted living facility.

Council Member Butler asked about the Environmental Protection Agency not coming back on to anyone for the contamination issue.

Mr. Mix explained that the City will go through the procedures with the State to give us indemnification.

Council Member Clough remarked that if the City doesn't do this, we'll never know what opportunities were available.

Council Member Smith commented that this site is in a residential neighborhood and needs to be cleaned up. He suggested surveying the site and working on ways that it could be marketed while

the cleanup is being done.

INTRODUCED BY COUNCIL MEMBER PETER L. CLOUGH

WHEREAS the City Purchasing Department, at the request of the Wastewater Treatment Plant, advertised and received sealed bids for the purchase of 8,100 feet of new and unused non-metallic chain and related sprockets, per City specifications, for installation by City Staff, and

WHEREAS invitations to bid were issued to seven (7) prospective bidders, with five (5) bids being received and publicly opened and read in the City Purchasing Department on Tuesday, September 16, 2008, at 11 a.m., and

WHEREAS City Purchasing Agent Robert J. Cleaver reviewed the bids received with Chief Plant Operator Michael J. Sligar, and he concurs with Mr. Sligar's recommendation that the City Council accept the bid submitted by Guardian Environmental Products, West Chester, PA 19380, in the amount of \$120,596.24, being the lowest qualifying bid meeting City specifications,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown, New York accepts the bid of Guardian Environmental Products, 138 Sussex Road, West Chester, PA 19380, in the amount of \$120,596.24 for 8,100 feet of new and unused non-metallic chain and related sprockets, per City specifications, for installation by City Staff at the Wastewater Treatment Plant.

SECONDED BY COUNCIL MEMBER JEFFREY M. SMITH AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCIL MEMBER PETER L. CLOUGH

WHEREAS, the City is a municipal corporation organized under the laws of the State of New York, and, as such, owns a facility known as the Alex T. Duffy Fairgrounds (the "Fairgrounds") within the City of Watertown, and the Fairgrounds is a community recreational facility, and

WHEREAS, the City desires to promote future recreational activities at the Fairgrounds for the valid public purpose of the benefit, recreation, entertainment, amusement, convenience and welfare of the people of the City, and

WHEREAS, in pursuit of that public purpose, the City has agreed to permit the Society to use, possess, operate, manage and maintain a small portion of real property within the Fairgrounds, and

WHEREAS, the Society occupies a portion of the real property within the Fairgrounds area and has constructed facilities thereon to permit it to perform functions which advance those valid public purposes as set forth above, and

WHEREAS, the City is in need of storage space for equipment, materials and supplies routinely used in the advancement of the above public purposes, and

WHEREAS, the Society has storage space available in a portion of their facility and is willing to lease a small portion of the same to the City,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the **Lease Agreement between the City of Watertown and the Jefferson County Agricultural Society, a copy of which is attached and made a part of this resolution, and

****5 year lease agreement**

BE IT FURTHER RESOLVED that City Manager Mary M. Corriveau is hereby authorized and directed to execute the Agreement on behalf of the City of Watertown.

SECONDED BY COUNCIL MEMBER ROXANNE M. BURNS AND CARRIED WITH ALL VOTING YEAS EXCEPT COUNCIL MEMBER SMITH VOTING NAY

Prior to the vote on the foregoing resolution, Council Member Butler mentioned the fact that the agreement could be terminated if the City chose not to appropriate the funds on a yearly basis.

Attorney Slye explained that this wording solemnizes what the law says.

Mayor Graham remarked that there had been discussions at the last meeting indicating that the lease should have a shorter term.

Council Member Clough asked that Mr. St. Croix, Superintendent of Parks and Recreation, be allowed to answer questions concerning this.

Mr. St. Croix explained that he favors the 5 year lease. He also explained that the City also uses the County's portion of the building at times. He advised that when this was researched five years ago, they found that this arrangement was the best way to go.

Council Member Smith stated that he preferred the 2 year lease. He said that when we enter into a 5 year lease and circumstances change, it would be unfair to get out of the lease 3 years later.

Council Member Clough remarked that a 5 year lease gives the City a greater length of time to look at alternatives.

Council Member Burns also supported a 5 year lease.

Council Member Butler remarked that given the executor clause in the lease, he would be willing to go with a 5 year deal.

INTRODUCED BY COUNCIL MEMBER PETER L. CLOUGH

WHEREAS in July 2008, a Request for Proposal was issued by the City's Health Insurance Committee, and

WHEREAS said RFPs were sent to fifteen (15) Third Party Administrators (TPA) and/or Pharmacy Benefit Managers (PBM), and

WHEREAS four TPA responses were timely received and each of the TPAs responses included at least one PBM, with one TPA actually submitting three and some of the PBMs responded to the RFP on their own, and

WHEREAS the Health Insurance Committee has done extensive interviews, research and comparisons of all of the timely received responses, and

WHEREAS the Health Insurance Committee unanimously recommends POMCO as the City's Third Party Administrator, and

WHEREAS the City and POMCO has developed an Administrative Services Agreement that describes the duties and responsibilities of the parties, and

WHEREAS the term of this Agreement is for three (3) years beginning January 1, 2009 and ending on December 31, 2011, with an administrative fee of \$22.43 per enrollee per month, for the first year beginning January 1, 2009,

WHEREAS the administrative service fees for the second and third year of the Agreement will be the above fee increased by the Northeast medical consumer price index for the one year period ending September 30, 2009 and September 20, 2010 respectively, not to exceed 5% per year,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York that it hereby approves this Administrative Services Agreement between the City and POMCO, a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that the City Manager, Mary M. Corriveau, is hereby authorized and directed to execute the Agreement on behalf of the City.

SECONDED BY COUNCIL MEMBER ROXANNE M. BURNS AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCIL MEMBER PETER L. CLOUGH

WHEREAS in July 2008, a Request for Proposal was issued by the City's Health Insurance Committee, and

WHEREAS said RFPs were sent to fifteen (15) Third Party Administrators (TPA) and/or Pharmacy Benefit Managers (PBM), and

WHEREAS four PBMs responded to the RFP, and

WHEREAS the Health Insurance Committee has done extensive interviews, research and comparisons of all of the timely received responses, and

WHEREAS the Health Insurance Committee unanimously recommends ProAct as the City's Pharmacy Benefit Manager, and

WHEREAS the City and ProAct have developed a Pharmacy Service Agreement that describes the duties and responsibilities of the parties, and

WHEREAS the term of this Agreement is for three (3) years beginning January 1, 2009 and ending on December 31, 2011, with an administrative fee of \$.29 per drug claim and \$1.75 dispensing fee, for the term of the contract,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York that it hereby approves this Pharmacy Benefit Services Agreement between the City and ProAct, a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that the City Manager, Mary M. Corriveau, is hereby authorized and directed to execute the Agreement on behalf of the City.

SECONDED BY COUNCIL MEMBER JEFFREY M. SMITH AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCIL MEMBER PETER L. CLOUGH

WHEREAS the City of Watertown owns and operates a Wastewater Treatment Plant, and

WHEREAS the City operates this facility under a New York State Pollution Discharge Elimination System (SPDES) permit, that was last amended on June 1, 2002, and

WHEREAS the June 1, 2002 amendment to the City's SPDES permit mandates the City prepare a Long Term Combined Sewer Overflow (CSO) Control Plan, (LTCP), and

WHEREAS the US Environmental Protection Agency has provided guidance that the development of the LTCP should be a public process and that the formation of a program team which represents all interests and agencies that have a stake in the program outcome, and

WHEREAS in October 2002 the City Council of the City of Watertown established the City of Watertown's Combined Sewer Overflow Long Term Control Plan Public Participation Committee, and

WHEREAS that Committee has met and prepared a Public Participation Plan that traces the steps surrounding the formation of the Public Participation Committee and which outlines how the Committee will function, and

WHEREAS the second step in developing a Long Term Comprehensive Combined Sewer Overflow Control Plan requires the City to develop a Characterization, Monitoring and Modeling Plan for submission to the New York State Department of Environmental Conservation for approval, and

WHEREAS in December 2003, the Public Participation Committee completed and the City Council approved the Characterization, Monitoring and Modeling Plan, submitted it to NYS DEC and in 2006, the report was approved, and

WHEREAS NYSDEC then tasked the City with completing its Long Term Control Plan and submitting that document for review by December 1, 2008, and

WHEREAS on October 23, 2008, the Public Participation Committee reviewed the attached Long Term Control Plan and recommended moving forward with a presentation to the City Council, a Public Hearing on the Plan was held on Monday, November 17, 2008 at 7:00 p.m. in the City Council Chambers, and

WHEREAS the Public Participation Committee also recommended that the City Council accept this Long Term Control Plan as a factual representation of the City's combined sewer system; and that the City Council accept the four summarized impairments to the City's combined sewer system, which are detailed in the plan; and that the City Council focus its limited capital fund to combined sewer separation projects,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the City of Watertown's Final Report Long Term Control Plan Phase 1, 2008, a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that the City Council concurs with the specific recommendations of the Public Participation Committee, and

BE IT FURTHER RESOLVED that the City Council of the City of Watertown authorizes the submission of this Final Report - Long Term Control Plan Phase 1, 2008 to the NYS Department of Environmental Conservation for their review and approval.

SECONDED BY COUNCIL MEMBER JOSEPH M. BUTLER, JR.

RULES WAIVED BY MOTION OF COUNCIL MEMBER CLOUGH, SECONDED BY COUNCIL MEMBER BUTLER AND CARRIED WITH ALL VOTING YEA

MOTION WAS MADE BY COUNCIL MEMBER CLOUGH TO SCHEDULE A PUBLIC HEARING ON THE FOREGOING RESOLUTION FOR MONDAY, NOVEMBER 17, 2008 AT 7:00 P.M.

MOTION WAS SECONDED BY COUNCIL MEMBER SMITH AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

COUNCIL DISCUSSED THE FOLLOWING TOPICS:

804 State Street

Mayor Graham asked about still not having any plans for this site. He commented that he is disappointed that nothing has been done with the property.

Council was advised that the owner has already been issued the tax deed.

Main Street Program

The report was reviewed. Council agreed that staff should hold off making an application at this time.

Ten Eyck Street Construction Status

Council Member Burns asked about this.

Mr. Hauk, City Engineer, said that this is scheduled to be finished during the 3rd week of November.

Council Member Butler asked about the grass seeding.

Mr. Hauk explained that what doesn't take now will be reseeded by the contractor in the spring.

Gaffney Drive Construction Status

Council Member Burns asked about the estimated date of completion for this project.

Mr. Hauk said that he didn't have the date as the work is being done by DPW crews. He explained that the paving can still be done as the plants are open until mid November. After that, it goes day to day, depending on the weather.

Storm Debris

Council Member Burns asked if the DPW crews are working additional schedules to pick up the debris.

Mrs. Corriveau explained that they are staying on the typical schedule and will continue to do pickup.

Council Member Smith asked about the City trees that were planted between the sidewalk and the road. He asked if the broken ones were going to be replaced and if he could cut down the one that was broken in front of his property.

Mr. Mix advised that Council Member Smtih could take down the tree that was broken. He explained that Mr. Lumbis has been out checking the trees and they will be replaced.

Fairgrounds Feasibility Study

Council Member Butler asked if Bernier Carr had selected a 3rd party to assist with this study.

Mr. St. Croix explained that discussions have been held with Bernier Carr. They are going to get 3 or 4 firms for the City to meet with and then a decision will be made.

Mrs. Corriveau advised that two representatives from the hockey committee will be working with Bernier Carr on this project as well.

Crosswalk Concerns on Washington Street

Council Member Clough expressed concerns with people walking from Park Avenue over to Washington Street during the garage construction. He stated that he would like to see a cross walk sign put up there.

Mrs. Corriveau explained that 2 temporary cross walk signs have been placed in the area.

Council Member Clough explained that people are crossing from the lot in front of the hospital and it is not a cross walk. He stated that it is a very dangerous situation.

Mr. Hauk explained that they are waiting for confirmation from the contractor. If they are not going to close off the sidewalk, they need to remove the temporary crosswalks.

Mrs. Corriveau commented that the problem is that it is a mid-block crossing and by doing what Council Clough is asking for would be to authorize a mid- block crosswalk.

Council Member Clough remarked that it isn't mid-block on the Park Avenue side.

Mrs. Corriveau said that staff would look into this.

Public Square

Council Member Smith remarked that he has heard nothing but positive responses about Public Square. He commended Council and staff for their hard work and also remarked that the synthetic asphalt does look very nice.

Mrs. Corriveau advised that the annual tree lighting ceremony and ribbon cutting for Public Square will be held on Thursday, December 4th at 4:30 p.m. The event will last until about 6 p.m.

Gazebo

Mayor Graham asked about this.

Mrs. Corriveau advised that the gazebo will have a floor in it.

Palmer Street Standing Water

Mayor Graham commented that there must have been some disconnect with the site plan discussions when this house was built as there is a large standing water problem on the property. He asked if there is a way to remediate this. The area is also used as a school bus stop.

Mrs. Corriveau advised that DPW is monitoring it.

Mr. Hauk explained that it has been pumped twice. He explained that it was historically, a wet area. The house was put in during the driest summer and quickly sold. The storm system for this area is being designed now.

EXECUTIVE SESSION

Prior to the motion to move into Executive Session, Mayor Graham commented that topic #4 on the list for discussion "To obtain legal advice from City Attorney Robert J. Slye" was not legitimate under Executive Session rules. He said that it related to the DEC and the embankment issue because they were offended with comments made.

MOTION WAS MADE BY COUNCIL MEMBER CLOUGH TO MOVE INTO EXECUTIVE SESSION TO DISCUSS COLLECTIVE BARGAINING NEGOTIATIONS, THE SALE OF REAL PROPERTY AND LITIGATION.

MOTION WAS SECONDED BY COUNCIL MEMBER SMITH AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

Council moved into Executive Session at 7:47 p.m.

Council reconvened at 8:30 p.m.

Fiscal Year Review

Mrs. Corriveau and Mr. Mills presented reports to the Council outlining the monthly financial report, bond anticipation notes, sales tax, general fund revenues from NYS, hydroelectric revenue update, fuel budget and the NYS mid-year financial plan update 2008-09 through 2011-

12 introduction. They discussed the drop in revenue streams and the decisions that will have to be made in the future.

Mrs. Corriveau explained that more information will be available after the November 18th State Legislature review of the State budget.

Council will discuss budget options in greater detail and look at mitigating measures being studied by staff at next week's work session.

Road Salt

Mrs. Corriveau advised that last year the fee was \$42.00/ton and this year it is anticipated to be \$129.00/ton. She explained that the City is ordering an amount of a product called Magic Salt which is treated salt at \$72.00/ton to see how effective it will be.

ADJOURNMENT

**AT THE CALL OF THE CHAIR MEETING WAS DULY ADJOURNED AT 9:40 P.M.
BY MOTION OF COUNCIL MEMBER CLOUGH, SECONDED BY COUNCIL
MEMBER SMITH AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.**

Donna M. Dutton
City Clerk